

ESTTA Tracking number: **ESTTA462944**

Filing date: **03/21/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Lower Sioux Indian Community in Minnesota		
Entity	Federally recognized Indian Trib	Citizenship	United States
Address	Route 1, Box 308 Morton, MN 56270 UNITED STATES		

Attorney information	Joseph F. Halloran, Eric O. Haugen Jacobson, Buffalo, Magnuson, Anderson & Hogen 335 Atrium Office Building 1295 Bandana Boulevard Saint Paul, MN 55108 UNITED STATES jfh@jacobsonbuffalo.com, ehauzen@haugenlaw.com Phone:651-644-4710
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### Applicant Information

Application No	85484395	Publication date	03/06/2012
Opposition Filing Date	03/21/2012	Opposition Period Ends	04/05/2012
Applicant	Gaming Support B.V. Industrieweg 29 3044 AS Rotterdam, NETHERLANDS		

### Goods/Services Affected by Opposition


Class 009. First Use: 2003/05/12 First Use In Commerce: 2005/01/00


All goods and services in the class are opposed, namely: Computer software for communicating data from gaming devices and providing multimedia shows to multimedia hardware for use by gaming operators; computer software and hardware for receiving, processing, transmitting multimedia content relating to electronic gaming and player bonusing systems; computer software and hardware for sale to gaming operators, namely, software and hardware for receiving data from jackpot systems and controlling the transmission of audio, video, text, graphics, and multimedia data relating thereto to multimedia delivery devices; computer software for facilitating gaming operations, namely, software for collecting, verifying and communicating data outputted from jackpot system controllers to computer hardware including multimedia delivery devices; computer software and hardware for receiving data output from jackpot control systems and converting the data for broadcast on multimedia hardware devices; computer software and hardware for gaming operators, namely, software and hardware for processing data relating to real-time bonus levels and transmitting multimedia data relating to bonus levels to multimedia hardware devices including LCD displays and video monitors

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2440374	Application Date	10/20/1999
Registration Date	04/03/2001	Foreign Priority Date	NONE
Word Mark	JACKPOT JUNCTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1984/10/14 First Use In Commerce: 1984/10/14 Providing casino facilities		

U.S. Registration No.	2450684	Application Date	10/20/1999
Registration Date	05/15/2001	Foreign Priority Date	NONE
Word Mark	JACKPOT! JUNCTION CASINO HOTEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1994/08/01 First Use In Commerce: 1994/08/01 PROVIDING CASINO FACILITIES Class 042. First use: First Use: 1994/08/01 First Use In Commerce: 1994/08/01 RESORT HOTEL SERVICES		

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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Joseph F. Halloran/
Name	Joseph F. Halloran
Date	03/21/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<b>Lower Sioux Indian Community</b>	)	<b>In the matter of Application of</b>
<b>in Minnesota, a Federally</b>	)	<b>Gaming Support, B.V. Corporation</b>
<b>Recognized Indian Tribe,</b>	)	
	)	
<b>Opposer,</b>	)	<b>For the mark: JACKPOTJUNCTION</b>
	)	
<b>vs.</b>	)	<b>Serial No. 85/484,395</b>
	)	
<b>Gaming Support, B.V. Corporation</b>	)	<b>Published March 6, 2012 in the</b>
	)	<b>Official Gazette</b>
<b>Applicant.</b>	)	
	)	

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**NOTICE OF OPPOSITION**

Lower Sioux Indian Community in Minnesota ("Opposer") believes that it will be damaged by registration of the mark shown in Serial No. 85/484,395 and hereby opposes the same.

As grounds for opposition, Opposer alleges that:

1. Opposer is a federally-recognized Indian tribe having an address at Route 1, Box 308, Morton, Minnesota 56270. Opposer has continuously used the mark JACKPOT JUNCTION since at least as early as 1984 in connection with a wide variety of casino-related services, including services in the nature of providing casino facilities.

2. Gaming Support B.V. Corporation ("Applicant") seeks to register the mark JACKPOTJUNCTION for "Computer software for communicating data from gaming devices and providing multimedia shows to multimedia hardware for use by gaming operators; computer software and hardware for receiving, processing, transmitting multimedia content relating to electronic gaming and player bonusing systems; computer software and hardware for sale to gaming operators, namely, software and hardware for receiving data from jackpot systems and controlling the transmission of audio, video, text, graphics, and multimedia data relating thereto to multimedia delivery devices; computer software for facilitating gaming operations, namely, software for collecting, verifying and communicating data outputted from jackpot system controllers to computer hardware including multimedia delivery devices; computer software and

hardware for receiving data output from jackpot control systems and converting the data for broadcast on multimedia hardware devices; computer software and hardware for gaming operators, namely, software and hardware for processing data relating to real-time bonus levels and transmitting multimedia data relating to bonus levels to multimedia hardware devices including LCD displays and video monitors” in International Class 009, as evidenced by the publication of the trademark in the Official Gazette on March 6, 2012. The application at issue in this Opposition was filed on November 30, 2011.

3. As concerns the JACKPOTJUNCTION mark at issue in Applicant’s application, Applicant asserts a date of first use of the mark as being May 12, 2003 and asserts a date of first use in commerce as being 2005.

4. Opposer is and has been for many years engaged in the casino industry. In connection therewith, Opposer has used in interstate commerce the service mark JACKPOT JUNCTION and related marks since long prior to Applicant’s date of first use of JACKPOTJUNCTION.

5. Opposer owns Federal Trademark Registration No. 2,440,374 which was granted on April 3, 2001 for the service mark JACKPOT JUNCTION as used in connection with providing casino facilities. Opposer has used its JACKPOT JUNCTION mark on and in connection with its services for well over 27 years, since October 14, 1984.

6. Opposer owns Federal Trademark Registration No. 2,450,684 which was granted on May 15, 2001 for the service mark JACKPOT! JUNCTION CASINO HOTEL (and design) as used in connection with providing casino facilities and resort hotel services. Opposer has used its mark on and in connection with its services for well over 17 years, since August 1, 1994.

7. In addition, Opposer has, for many years, used its JACKPOT JUNCTION mark in connection with entertainment services, restaurant services, and other services related to its JACKPOT JUNCTION casino.

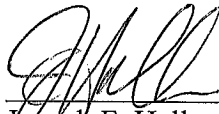
8. Opposer’s services associated with the JACKPOT JUNCTION service marks have been extensively and continuously offered to the public through various channels of trade. Additionally, Opposer has extensively advertised and promoted its services under said service mark throughout the United States for a period of decades. Opposer’s use of its mark has resulted in the public coming to recognize JACKPOT JUNCTION as signifying Opposer and its

services, and Opposer has built-up extensive goodwill in connection with the services offered under its service marks.

9. The designation JACKPOTJUNCTION is confusingly similar to Opposer's JACKPOT JUNCTION service marks, and its registration and continued use by Applicant on its goods is likely to cause confusion, deception, and mistake. Applicant's use of JACKPOTJUNCTION interferes with Opposer's use of its JACKPOT JUNCTION service marks, and continued use or registration of JACKPOTJUNCTION by Applicant will seriously damage Opposer.

WHEREFORE, Opposer prays that this Opposition be sustained and that registration to Applicant, as concerns application Serial No. 85/484,395 be rejected.

Respectfully Submitted,



Date: March 21, 2012

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